

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-21 are pending in this case. Claims 1-5, 8, 9, 14-16, and 21 are amended by the present amendment for clarity and correction of matters of form. Thus, no new matter is added.

In the outstanding Office Action, Claims 1, 2, 14-16, and 21 were rejected under 35 U.S.C. § 102(b) as anticipated by Thang, et al. (U.S. Pub. No. 2002/0167898, herein “Thang”); Claims 3 and 6 were rejected under 35 U.S.C. § 103(a) as unpatentable over Thang in view of Cheng, et al. (U.S. Pub. No. 2002/0150094, herein “Cheng”); Claim 4 was rejected under 35 U.S.C. § 103(a) as unpatentable over Thang in view of Navas (U.S. Pub. No. 2003/0026268); Claims 5, 9, and 13 were rejected under 35 U.S.C. § 103(a) as unpatentable over Thang in view of Sekine, et al. (U.S. Pub. No. 2001/0024429, herein “Sekine”); Claims 7, 8, 11, and 12 were rejected under 35 U.S.C. § 103(a) as unpatentable over Thang in view of Cheng, further in view of Cetin, et al. (U.S. Pub. No. 2004/0028064, herein “Cetin”); Claim 10 was rejected under 35 U.S.C. § 103(a) as unpatentable over Thang in view of Sekine, further in view of Furukawa, et al. (U.S. Pub. No. 2002/0009073, herein “Furukawa”); Claim 17 was rejected under 35 U.S.C. § 103(a) as unpatentable over Thang in view of Johansson, et al. (U.S. Pub. No. 2002/0080752, herein “Johansson”); and Claims 18-20 were rejected under 35 U.S.C. § 103(a) as unpatentable over Thang in view of Johansson, further in view of Ludwig, et al. (U.S. Patent No. 6,816,471, herein “Ludwig”).

Applicants and Applicants’ representative thank Supervisory Patent Examiner Jacobs and Examiner Scott for the courtesy of an interview with Applicants’ representative on June 4, 2009. The discussion during that interview is substantially repeated herein.

Applicants respectfully traverse the rejections of the pending claims.

Amended Claim 1 clarifies a mobile communication system comprising a “**server apparatus dynamically switching which of the at least one relay routers multicasts the data** being transmitted **from the correspondent terminal to the mobile terminal**, based on the movement of the mobile terminal or the correspondent terminal.”

The outstanding Office Action asserts Thang as teaching every element of Claim 1.

However, Thang describes restoration of an IP network after a link failure in a system which includes **fault notification and resume notification via multicast from ingress and egress nodes**. Thus, Thang fails to teach or suggest a mobile communication system comprising a “**server apparatus dynamically switching which of the at least one relay routers multicasts the data...from the correspondent terminal to the mobile terminal**,” because a server apparatus of Thang does not dynamically select the nodes that multicast, and the ingress and egress nodes multicast fault and resume notifications rather than data transmitted from a correspondent terminal to a mobile terminal.

Because Thang does not teach or suggest at least the above-discussed features of Claim 1, Applicants respectfully request that the rejection under 35 U.S.C. § 102(b) of Claim 1 and Claims 2 and 16, which depend therefrom, be withdrawn.

Claims 14, 15, and 21, though differing in statutory class and/or scope from Claim 1, patentably define over Thang for similar reasons as Claim 1. Thus, Applicants respectfully request that the rejection of Claims 14, 15, and 21 under 35 U.S.C. § 102(b) be withdrawn.

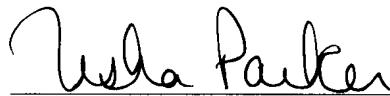
Claims 3-13 and 17-20 depend from Claim 1 and, therefore, patentably define over Thang for at least the same reasons as Claim 1. Further, Cheng, Navas, Sekine, Cetin, Furukawa, Johansson, and Ludwig, which are not even asserted for the features deficient in Thang, cannot cure the deficiencies of Thang with regard to Claim 1 without altering the intended purpose and principle of operation of Thang, which would derogate MPEP § 2143.01(V) and (VI).

Thus, Applicants respectfully request that the rejections of Claims 3-13 and 17-20 under 35 U.S.C. § 103(a) be withdrawn.

Accordingly, the outstanding rejections are traversed and the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is, therefore, respectfully requested.

Respectfully submitted,

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